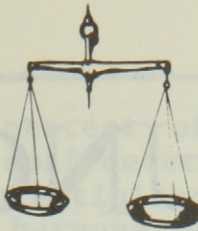


Quid Novi



VOL. VI NO. 3

MCGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILLSeptember 18, 1985
18 septembre, 1985

DISSIDENT ISRAELI LAWYER PLEADS FOR JUSTICE

by Joseph David

By some she has been hailed as a heroine, by others she has been accused of treason. She is a Holocaust survivor, a member of the Communist Party and an Israeli Jew who has spent most of her adult life defending the human rights of Arabs in her country. She is Felicia Langer, a charming but highly controversial lawyer who has evoked both wrath and admiration as a result of her work with Palestinian political prisoners in Israel and the occupied territories.

She was born in Tarnow, a small city in Poland that was home to 25,000 Jews before the Holocaust. When she was just 14, her father, a Zionist, took her to the Soviet Union to escape from Nazi persecution. In 1950 Felicia moved to Israel, and enrolled at the Hebrew University in Tel Aviv where she studied law alongside aspiring advocates such as Ariel Sharon. After graduating she opened her own practice and for the following few years spent her time defending the underdogs -- Sephardic workers arrested for demonstrating, juvenile delin-

quents, Arabs and women in trouble.

Although Mrs. Langer's language is heavily influenced by Marxist terminology such as "colonization", "American imperialism" and "liberation", it is less her political commitment to the Israeli Communist Party, and more her compassion for the suffering and the oppressed, that motivates this incredibly energetic lawyer to continue her struggle for justice. "No Party," she insists, "could

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A DAY IN THE LIFE OF A LEGAL AID STAFFER or Waiting for Mrs. Plightmar

Mark Chernin
Director-General,
McGill Campus Legal Aid
Clinic

The following composite is representative of the variety of situations which might confront a staff member of the McGill Campus Legal Aid Clinic on a given day. This account has been drawn from actual experience derived from a summer-long involvement with the Clinic, during which four intrepid souls battled relative inexperience, impenetrable bureaucracy, and selective interpretation of "the facts" (to say nothing of inadequate ventilation)

in an effort to shed some light on legal problems. Poetic license, to the extent the term applies, has been minimized based on the principle that artistic invention could not possibly approximate the humour and pathos of real life. The names, however, have been changed to protect both the innocent and the guilty.

The phone rings, heralding the start of a working day at the Clinic. It is 9:01 a.m.

Staffer: McGill Campus Legal Aid, can I help you?

Client: I hope so, that's

why I'm calling. [The tone of voice does not lack irony]. I am calling for a friend, really. She has a lease to an apartment in a government subsidized housing project. She paid rent for the first month but has been unable to move in because the units are not yet complete. There are no toilets and the kitchen cupboard fell on her head when she tested the doors. Despite repeated promises from the project administrator, she has been waiting six weeks to move in.

Staffer: Does she still want to take occupancy?

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ANNOUNCEMENTS

**From the Librarian
to all students**

WELCOME

The library has resumed its sessional hours:

Monday - Thursday: 9 a.m. until 11 p.m.;
Friday: 9 a.m. until 10 p.m.;
Saturday: 10 a.m. until 6 p.m.;
Sunday: noon until 6 p.m.

Hours will be extended during moots and during exams, times to be posted. Smoking, eating, and drinking are not permitted. Other forms of merriment are tolerated if kept to a "dull roar."

Good luck to you all and use the library in good health.

**M. Renshawe
Librarian**

NOTE DATE & TIME CHANGE:

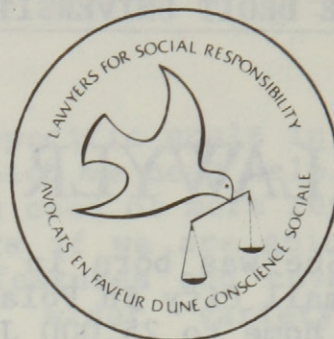
**Moot Court Room, Faculty
of Law**

The Montreal Section of the International Law Association is organizing a Conference on "Canadian sovereignty in the Arctic (with special reference to the North West passage). The guest will be Professor Donat Pharand from the University of Ottawa. For information call Louise at 392-4632.

**Room 200 at 5:30 p.m.
SEPTEMBER 27**

QUID ANNOUNCEMENT: PLEASE NOTE:

For the next two weeks the Quid deadline for submissions will be Wednesday evening instead of Thursday evening.



Lawyers for Social Responsibility

General Meeting (first of the year) and Movie, Beer and Pizza. **TODAY**, Wednesday, September 18, Common Room at noon. All welcome.

Film: New Greenpeace-Suzuki documentary: "Breaking the Nuclear Chain."

Weekend Mountain Retreat, September 28-29. Mont St. Hilaire, total cost \$40. Fun (and a bit of education: Controversial documentary "America: from Hitler to MX and guests). Limited Registration, going fast; phone Teresa at 484-1590!

Upcoming Events (watch this space):

SPEAKER: Ernie Regehr: Economics of the Arms Race
FILM & GUEST: New NFB documentary "Speaking our Peace" and its Oscar-winning director.
COFFEE-HOUSE: 3rd week of October: Lenny Pinkus of "Men without Hats" and others... and more...

JOIN/RENEW memberships luncheon in the pit this month.

The Centre for Research of Air and Space Law is organizing on October 30, 31 and November 1 a super Conference on "An Arms Race in outer space. Could treaties prevent it?" at the Moot Court Room, Faculty of Law. You are most cordially invited at a special rate to attend this symposium and meet speakers and specialists from all over the world. For more information call Louise at 392-4632.

Notice to all Students Visitors Programme

Our first visitor this academic year is Professor Alain Prujiner from Laval University. Professor Prujiner will visit us on Thursday, September 19 and Friday, September 20.

On Thursday, our guest will speak at noon in Room 202 on "Les formes de protection des droits linguistiques."

On Friday, he will speak at 11:00 a.m. in Room 203 on "Les Conflits linguistiques du point de vue juridique et sociopolitique."

Amongst Professor Prujiner's publications are the following:

Théorie et réalité de l'égalité juridique des langues au Canada (1983) 24 Les Cahiers de droit 11;

Variation du comportement langagier lorsque deux langues sont en contact, Centre international de recherche sur le bilinguisme, Québec, 1984;

Legal aspects of language planning, C.I.I.L., Mysore, 1984.

**P.P.C. Haanappel
Associate Dean (Academic)**

Dissident Lawyer Cont'd from p. 1

direct me to live as I do -- travelling with two bodyguards, forced to have an unlisted phone number and being away from my family so much of the time." Her life has been threatened so often she has learned to live with it -- if that is possible. Yet she could not contain her outrage when her speech in Toronto (part of a two week, 13-city North American tour, organized by a coalition of Jewish and Arab groups last June) was attacked by thugs from the Jewish Defence League (i.e. parliamentary right-wing group set up by Meir Kahane in North America): "Believe me, I have never seen any live Nazis in my life," Langer commented. "During the Second World War I was evacuated to the Soviet Union, although my husband was in five Nazi camps. But those three thugs who came to the podium in Toronto, they wore T-shirts which said 'Dirty Fatah Bastards', and screamed that I was a prostitute. The police intervened to protect me. I kept thinking at the time -- how did it happen, that this Jewish community could tolerate such terrible things? These thugs should be outcasts."

Another factor which motivates Langer -- although many would dispute this -- is her passionate love for Israel. Despite accusations of treason, of being an "Arab lover" and of belonging to the KGB, Felicia Langer insists it is patriotism which compels her to fight for a more humane and just society. "There is no such thing as a Palestinian cause apart from my (Israeli) cause. The Palestinians have peace, I have peace. The Palestinians have no peace, I have no peace." With great emotion the fiery lawyer explains that it is

in the interest of Israel to grant self-determination to the Palestinians and to live in harmony with its Arab neighbours. "If you are living on an island, don't quarrel with the sea", is a proverb Felicia is fond of repeating. "We are living on an island and we are always quarreling with the sea. We think that because we have over the sea someone with muscles and money, that we shall always overcome the waves of the sea," and in a rising voice filled with concern she warns, "we don't know that there is one wave called the 9th wave which is the strongest one. There is a terrible danger that maybe some extremists in the Arab countries will try to take revenge for what we are doing now."

Felicia Langer is also vice-president of the Israeli League for Human Rights. She told a packed auditorium in Montreal that the recent T.W.A. hijacking by Shiite militiamen was a predictable event that should not have surprised them. "This hijacking did not take place in a vacuum," explained the lawyer, who then placed the blame for the hostage drama not only on the Shiites but also on Israel for having forcibly transported over 700 Lebanese civilians to a prison in Northern Israel. She warns that the T.W.A. hijacking is just a small example of what can occur if the American-Israeli alliance continues its present course in the Middle East.

The blonde-haired, blue-eyed lawyer is highly critical of the American-Israeli relationship and describes it as "a situation of a superpower which wants to dominate a certain region, but doesn't want to do it by American hands. It also reflects conformity and joint convictions --

a joint anti-Soviet attitude, a joint anti-Arab attitude and anti-liberation attitude." Felicia Langer adds that the unwavering support Israel receives from the U.S. is in reality detrimental to both countries because it only contributes to further bloodshed and conflict in the Middle East.

The controversial lawyer adds that there can be no peace in the Middle East without a solution to the Palestinian question which according to her, can only be resolved by granting self-determination to the Palestinians. She advocates a "two-state" solution, based on independence and security, for Israel and for a separate Palestinian state on the West Bank. She insists that the large majority of the Palestinians, including the Palestine Liberation Organization, are prepared to accept such a solution.

Felicia Langer adds that there is a grave danger of extremism in her country, personified by the popularity of the ultra-nationalist Rabbi Meir Kahane, who describes the Arabs as "dogs", and feels that they should be expelled from Israel. In a voice which barely conceals her anger she reveals that "40% of the Israelis in secondary schools support Rabbi Kahane" and that there is a considerable number who say we don't need a democracy. Maybe a democracy for the Jews, but not for the Arabs. The slogan of Kahane is very sophisticated and effective. Kahane tells his audience: "I speak about what others think but do not speak." Today Kahane is the tip of the iceberg, the most violent expression of the racism which exists. This is a terrible danger to my country, Israel. I do not

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4 Quid Novi

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Dissident Lawyer Cont'd from p. 3

want it to become a fascist state; now we can say that the occupied territories are using fascist methods. But these methods are contaminating; like a bad cancer, they are attacking Israeli society itself."

Despite her anger and frustration at what she perceives to be injustice, the human rights activist affirms that she is basically an optimistic person. "Sometimes my husband thinks that my optimism is an illness. Do you know how often I cry because of the terrible injustices I see -- sometimes I do not know how to help. Yet how can I not be optimistic when I see the smiles of the Palestinian children? They are the source of my strength... The war in Lebanon was a tremendous lesson for the Israeli people, even if it was not a lesson for the stubborn government. But this government is not eternal. My people are increasingly attentive and critical of their government. I am also encouraged by my meetings with the Jewish community here. Of course the J.D.L. was sent, but I have seen many good Jewish people who are trying to understand the aspirations of the Palestinians." Langer adds, "The future is not dark because I believe in human beings."

Legal Aid Cont'd from p. 1

Client: But of course! What do you think? Do you think she can start looking for another place with her head bandaged up and between visits to the therapist?

Staffer: Sorry I asked. Why don't you have her call us directly.

Client: I will do that. Thank you and goodbye.

Sometime later, the staffers discuss how to replace a burnt out light bulb at the Clinic. Building management refers the inquiring staffer to the porter, Big Eddie. The phone rings....

Staffer: MCLA, can I help you?

Client: God I hope so. I sold my car recently to this guy. He started calling me a few days later, saying it was a piece of garbage and demanding that I take it back and return his money. Today I got a lawyer's letter saying the same thing, giving me three days to respond and asking for \$25.00 to cover the cost of the letter!

Staffer: Were you aware of the car's problems?

Client: No. I had not driven it since last year -- it was o.k. then. There were no apparent problems.

Staffer: Did you sign a written contract with the purchaser?

Client: Yes.

Staffer: Did you by any chance exclude yourself from providing a warranty?

Client: No. Should I have?

Staffer: Yes, but that doesn't matter now. Did the purchaser test drive the car, or have it inspected?

Client: The car was on blocks, he didn't ask to test drive it. He just opened the hood and poked at the battery. Then he played with the steering wheel and pounded on the horn. But he didn't really

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Legal Aid Cont'd from p. 4

inspect it.

Staffer: O.K. I can't give you legal advice, but I can give you some information and make a suggestion. Legally, you are liable for latent defects even if you did not know of them, unless you expressly stipulate in the contract that you are not extending a warranty. On the other hand, he has to take certain minimum steps to satisfy himself that the car is suitable for the purpose for which it was purchased. So assuming he intended to drive the car, he probably has not satisfied his own obligation to take some care prior to purchase. I think their case is weak. I suggest we draft a letter declining their offer to take back the car, and leave it up to them to make their case in Provincial Court 8-12 months from now if they decide to sue. How does that sound?

Client: Fine. I'll get a pencil.

The inquiring staffer returns from his quest for Big Eddie with the news that Big Eddie's responsibility is confined to things requiring the use of a hammer. For light bulbs, we have to talk to Little Eddie. The phone rings....

Staffer: MCLA, can I help you?

Client: Is this MCLA? [The woman's hushed tone suggests that she is calling from a phone booth on the slopes of the Alps, and is fearful of setting off an avalanche lest she speak too loudly]. My friend called before. My name is Plightmar. There is no toilet in my apartment.

Staffer: I remember the call. Tell me, do you still want to live there,

because if not we can...

Client: What do you think? I should go out between treatments with my head in bandages to look for another place? I want you to write a letter complaining about the place to the management. Will you help me? I can come today at noon.

Staffer: Fine. I'll be waiting.

The inquiring staffer has located Little Eddie, who tells him that he can indeed change the light bulb, but that the requisition for the new one will have to be approved by building management. The phone rings...

Staffer: MCLA, can I help you?

Client: I'm on welfare. A few months ago I was in a car accident and was injured. I applied to the Régie for compensation for physical injuries and received a lump sum payment. I told Welfare about my changed circumstances and they said I have to return all the money I got from them during the period of time for which I was compensated by the Régie. Two days later I got a letter saying I'd been cut off from welfare. Can they do that?

Staffer: I'll have to do some research. In the meantime, here are the procedures for applying for a review of your case by the welfare authorities.

The inquiring staffer returns from a consultation with building management and reports that the light bulb can be authorized, but that delivery will take from ten days to three weeks. The phone rings...

Staffer: MCLA, can I help you?

Client: I have no money.

Staffer: Sorry. Definitely can't help with that.

Client: No, I mean I can't pay my rent! My boyfriend took off, and took his furniture with him. My parents disowned me for letting a conga player move in with me in the first place. I lost my job in the amusement park at the Port in Old Montreal when the company went bankrupt. I just don't know what to do.

Staffer: I wish I could help, but I can't find a legal problem that I can do something about based on the facts you've given me.

Client: Well, are you a lawyer?

Staffer: No, I'm just a law student.

Client: Well, that means you will be a lawyer, right? Look, you sound like a nice guy. Do you think it would be possible for us to meet, and if we get along, well, maybe we could get married? I'm a lot of fun and I know a bit about percussion instruments now. I'd pay you back for the rent, I promise.

Staffer: I'm really sorry, but I'm just too busy with my work here. Just try and explain things to your landlord and ask him to give you a delay until you can get on your feet again, okay?

Noon hour comes and goes without an appearance by Mrs. Plightmar. Our staffer, who has passed up lunch to be available, turns his attention to the more immediate problem of how to get some light in the office. The phone rings...

Staffer: MCLA, can I help you?

Placement Centre

Northwest Territories

The firm of Richard, Vertes, Peterson & Schuler of Yellowknife, NWT, is seeking two articling students for the period of July 1, 1986 to July 1, 1987.

Interviews for these positions will be conducted in Edmonton, Alberta, at the Westin Hotel, Tuesday, October 15, and Wednesday, October 16, 1985.

Interested applicants should forward a resumé to the attention of:

Ms. Virginia Schuler
Richard, Vertes, Peterson & Schuler
5108 Franklin Avenue
P.O. Box 939
Yellowknife, NWT
X1A 2N7

For further details please refer to posting #2 in the Placement Centre.

Quebec

Third year students are invited to submit their resumé to the firm of Guy & Gilbert, Montreal, for a position for the summer of 1986 and stage for 1987. Interviews for this position will take place Sep-

tember 28. Interested students should forward their resumé to Me Marc Savoi at the firm of Guy & Gilbert. Refer to posting #1.

Students commencing 2nd, 3rd, or 4th year of law are invited to submit applications to the firm of Spiegel, Sohmer regarding various positions with their firm. Please refer to posting #5.

Students planning to pursue the Notarial profession must inscribe into this programme at the beginning of their third year in the B.C.L. programme (all applications must be received before 1 December). Information to this effect can be obtained in the Admissions Office.

Bilingual students completing their last year of law school are invited by the firm of Lengvari, Braman, Trudel to submit applications for summer positions, 1986, and eventually for the articling period beginning May, 1987. Interested students should submit their C.V.'s to Mr. Richard Barbacki before October 1, 1985 with interviews being conducted during the second week of Oc-

tober, 1985. Refer to posting #7.

Welcome to and/or back to the Faculty of Law. The above is the Placement Centre's first column for this year. Hopefully we will be able to help you in whatever way possible with regards to summer jobs, articling, preparing C.V.'s etc. Should you feel that you have ideas as to how we may improve this service, please feel free to come in and see André Lemieux or Mrs. Higgins. We are always open to suggestions. For those of you who are not familiar with our service, the Placement Centre is located in Room 109 of the Annex (the little hall that runs between Old & New Chancellor Day Halls, behind S.A.O.). Articling surveys received from the various provinces are filed in the Admissions Office together with information, pamphlets and brochures from various law firms, Clerkships, graduate programmes, etc.

We wish you much success for this 1985/86 academic year and invite you to feel free to come into the Placement Centre or Admissions Office to browse through our Articling surveys.

Legal Aid

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Client: Yeah. When I signed my lease three years ago, the landlord promised that I could keep the keys to the new lock I had installed on my door. The building was sold last year, and the new owners are demanding that I give

them a copy of the key. I want to be reasonable, but I really don't want these guys coming into my apartment whenever they see fit. What can I do?

Staffer: Well, the law does not require that you provide a copy of the key per se. It only requires that you provide "access" to the

apartment. So if you can work out a way whereby your landlord would have access to your apartment in an emergency -- say, by leaving it with a trusted neighbour -- then that should be sufficient.

Client: Great. My mother

Cont'd on p. 7

OBSERVATIONS

by Scott Turner

I was sitting in one of Martin Boodman's lectures the other day, reflecting on the paucity of .300 hitters in the National League this season, and Pete Rose's refusal, like Muhammed Ali and many others before him, to retire gracefully, when somebody interrupted my reverie -- maybe it was me -- with a question about law. And I thought: Oh no, here we go again, as the Bood replied that what we were dealing with here was a complicated web of human economic activity, and not, as everyone had stupidly imagined, articles 1980 et seq. C.C...

And it reminded me of this English course I once took back in the good old undergraduate days, where

we discussed Rabbit Run, which is a novel by American author John Updike. And in this novel, I remember, there was a chapter where Rabbit, who's not a particularly heroic guy, gets into his car and tries to run away from all his problems. But he keeps getting lost, so he pulls out this tattered map and tries to figure out where he is and where he's going and all that. But all he can see is this spidery web -- (can you see the analogy emerging?) -- of roads spreading out all over the place. And it was, like, he couldn't escape or anything, and we were all supposed to be depressed as hell about his big plight.

But I figure that you don't really have to feel

trapped by all those webs of concrete and economic activity. I mean, just picture yourself as a very small person with a big pair of scissors, cutting yourself a hole in the web. And then you crawl through the hole and all of a sudden you're lying on a white sandy beach, listening to the surf and soaking up some rays, or sitting on a patch of tundra on a mountain in Vermont, eating cheese and tomato sandwiches and thinking to yourself once again: life is pretty cool.

So why is everybody so hung up about this web thing?...

And maybe it's all the coke that's driving the averages down....

Legal Aid Cont'd from p. 6

lives next door. I guess I can trust her with the key.

A collective accounting of the resources of the staffers reveals that there are enough funds to buy the lightbulb ourselves. One member undertakes to complete the required transaction. The phone rings...

Staffer: MCLA, can I help you?

Client: [It is a voice laced with doom]. Hello, this is Plightmar. I could not make it to the Clinic at noon because I broke my finger after I tripped over some debris outside the housing project. Could I

come instead at 5:00?

Staffer: Well we normally like to close at 5:00, but since this is an emergency of sorts, come on down.

Our enterprising staffer returns with a lightbulb ideally suited for its purpose, and the attention of the group turns to the question of procuring a step-ladder. Big Eddie is immediately ruled out, Little Eddie is problematic... The phone rings...

Staffer: MCLA, can I help you?

Client: Yes please. My landlord says he has received a permit to demolish our building. He says he has the right to evict us. But he is offering us a

month's free rent before we must go, if we will agree to sign an agreement to that effect. The word "Transaction" is on the top of the sheet of paper on which the agreement is written. Should I accept the deal and sign the offer?

Staffer: No, no, a thousand times no! I can't advise you, but I can inform you that if you sign the agreement, you will be forfeiting your right to benefit from the legal recourses available to you. You are entitled to the equivalent of three months rent plus moving expenses in the event of eviction. If you like, come down to the Clinic and we'll help you

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Beauty is in the Eye of the Beholder

by Dean Macdonald

Some twelve years ago when I began my law teaching career at the University of Windsor, one of the senior professors at that Faculty took me aside just before course evaluation week and told me the following story.

When I was a young law teacher in my first year, he said, I remember being asked by a student a question for which I had no answer. I replied "I'm sorry I don't know the answer, I'll have to look it up," which I then did. I came to class the next day with an attempt at an answer. Later on when I read my course evaluations, I noticed a recurring theme: "This Prof. is fresh out of graduate school and doesn't know anything."

Over most of the next

five years students would be constantly asking me questions for which I had no answer and I would give the same reply, "I don't know, I'll look it up and get back to you tomorrow." Strangely, however, the comments on my course evaluations began to change. In my fifth year of teaching, students were wont to comment "It's nice to be taught by a professor who really knows his subject well, but is not so arrogant that he cannot admit when he has to look up an answer."

As you can guess, I still get asked questions which I cannot answer in class. I have to tell the students that I don't know the answer and will look it up and get back to them. Yet I find, he said, that after some fifteen years teaching, the comments on my course evaluations have changed again and now read,

"This is a lazy, burned out professor who only puts in the minimum amount of work and can't even keep up to date on his subject so that he is constantly saying, "I don't know the answer, I'll have to get back to you."

What is the lesson of this little story? It is, I think, that our perceptions of what words can mean are coloured by the context in which they were uttered -- and this is true be the words "I'm sorry I don't know the answer" or be they "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Keeping context in view, both inside the classroom and outside the classroom, is an important ability required of all lawyers. I know each of you (at least in my Foundations class) will keep this in mind when deciding whether or not to laugh at my jokes!

Legal Aid Cont'd from p. 7

draft the appropriate letter.

At 5:00 p.m., our lightbulb-toting staffer is screwing in the lightbulb with the assistance of the rest of the group who have hoisted him upon their shoulders. The bulb threads smoothly into its

socket. The phone rings...

Staffer: MCLA, can I help you?

Client: [It is "the voice"]. This is Plightmar. I've had a small accident and can't make it today. I hope I did not keep you. I will come by tomorrow if that's okay.

Staffer: Sure, no problem. We'll see you when you get here.

Another day's work done, limitations rediscovered, the staffers can take some consolation in the consideration that together, some light can indeed be shed on legal problems, and that sometimes they can make a difference.